

**LABOR SERVICES DIVISION[875]**

**Notice of Intended Action**

**Proposing rule making related to boilers and pressure vessels and providing an opportunity for public comment**

The Boiler and Pressure Vessel Board hereby proposes to amend Chapter 84, “Contested Cases Before the Boiler and Pressure Vessel Board,” Chapter 90, “Administration of the Boiler and Pressure Vessel Program,” and Chapter 91, “General Requirements for All Objects,” and to rescind Chapter 95, “Water Heaters,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 89.14.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 89.

*Purpose and Summary*

These proposed amendments would align the rules with statutory authority, update consensus standards adopted by reference, clarify where jurisdiction over boiler appurtenances ends, and make corrections to the rules.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 81.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on June 13, 2018. Comments should be directed to:

Kathleen Uehling  
Division of Labor Services  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Email: [kathleen.uehling@iwd.iowa.gov](mailto:kathleen.uehling@iwd.iowa.gov)

### *Public Hearing*

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on June 12, 2018, a public hearing at which persons may present their views orally or in writing will be held as follows:

June 13, 2018  
9 a.m.

150 Des Moines Street  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs by calling 515.725.5615.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 875—84.2(17A,89) as follows:

**875—84.2(17A,89) Appeal to the board.** The commissioner’s ruling on a petition for reconsideration or the commissioner’s deemed denial of a petition for reconsideration may be appealed to the board. An appeal must be filed in writing with the board within 30 calendar days of the earlier of either the issuance of the commissioner’s written ruling on a petition for reconsideration or the commissioner’s deemed denial of a petition for reconsideration. At a minimum, an appeal shall include a short and concise statement of the basis for the appeal. The required form for an appeal is available on the board’s website at <http://www.iowaworkforce.org/labor/boilerboard.htm> [iowaboilers.gov](http://iowaboilers.gov). Consideration of an appeal of a ruling on a petition for reconsideration shall be a contested case proceeding subject to the provisions of Iowa Code chapter 17A. The commissioner shall have an automatic right of intervention in any appeal of the ruling on petition for reconsideration and shall defend the ruling in a contested case proceeding.

ITEM 2. Amend rule 875—90.1(89) as follows:

**875—90.1(89) Purpose and scope.** These rules institute administrative and operational procedures for implementation of Iowa Code chapter 89. An object shall not be considered “under pressure” and shall not be within the scope of Iowa Code chapter 89 when there is clear evidence that the manufacturer did not intend it to be operated at more than 3 psi and the object is operating at 3 psi or less. Jurisdiction is limited to objects, appurtenances, controls, safety devices, and equipment rooms as required by Iowa rules.

ITEM 3. Adopt the following **new** definitions of “Appurtenance” and “Boiler external piping” in rule **875—90.2(89,261,252J,272D)**:

“*Appurtenance*” means any item or equipment that is attached to the object and is part of the boiler external piping.

“*Boiler external piping*” means all boiler piping and components as set forth in the Scope of the edition of ASME B31.1 currently adopted by reference in Chapter 91.

ITEM 4. Rescind and reserve subparagraph **90.11(1)“a”(1)**.

ITEM 5. Amend subrule 91.1(1) as follows:

**91.1(1)** *ASME boiler and pressure vessel codes adopted by reference.* The ASME Boiler and Pressure Vessel Code (2015) (2017) is adopted by reference. Regulated objects shall be designed and constructed in accordance with the ASME Boiler and Pressure Vessel Code (2015) (2017) except for objects that meet one of the following criteria:

- a. An object with an ASME stamp and National Board Registration that establish compliance with an earlier version of the ASME Boiler and Pressure Vessel Code;
- b. ~~An object within the scope of 875—Chapter 95;~~
- c. ~~Rescinded IAB 10/5/11, effective 11/9/11.~~
- d. ~~b.~~ A miniature boiler installed before March 31, 1967;
- e. ~~c.~~ A power boiler or unfired steam pressure vessel installed before July 4, 1951; or
- f. ~~d.~~ A steam heating boiler, hot water heating boiler, or hot water supply boiler installed before July 1, 1960.

ITEM 6. Amend subrules 91.1(3) to 91.1(10) as follows:

**91.1(3)** *Inspection code adopted by reference.* The National Board Inspection Code (2015) (2017) is adopted by reference, and reinstallations, installations, alterations, and repairs after April 1, 2016 September 1, 2018, shall comply with it.

**91.1(4)** *Electric code adopted by reference.* The National Electrical Code (2014) (2017) is adopted by reference, and reinstallations and installations after April 1, 2016 September 1, 2018, shall comply with it.

**91.1(5)** *Piping codes adopted by reference.* The Power Piping Code, ASME B31.1 (2014) (2016), and the Building Services Piping Code, ASME B31.9 (2014) (2017), are adopted by reference, and reinstallations and installations after May 20, 2015 September 1, 2018, shall comply with them up to and including the first valve.

**91.1(6)** *Control and safety device code adopted by reference.* Controls and Safety Devices for Automatically Fired Boilers (CSD-1) (2012) (2015) is adopted by reference, and reinstallations and installations after October 31, 2013 September 1, 2018, shall comply with it. Reporting requirements concerning CSD-1 are set forth at rule 875—90.11(89).

**91.1(7)** *Mechanical code adopted by reference.* Excluding Section 701.1, Chapters 2 and 7 of the International Mechanical Code (IMC) (2015) (2018) are adopted by reference, and installations and reinstallations after April 1, 2016 September 1, 2018, shall comply with them.

**91.1(8)** *Oil burning equipment code adopted by reference.* National Fire Protection Association Standard for the Installation of Oil Burning Equipment, NFPA 31 (2011) (2016), is adopted by reference, and installations and reinstallations after October 10, 2012 September 1, 2018, shall comply with it.

**91.1(9)** *Fuel gas code adopted by reference.* National Fire Protection Association National Fuel Gas Code, NFPA 54 (2015) (2018), is adopted by reference, and installations and reinstallations after April 1, 2016 September 1, 2018, shall comply with it.

**91.1(10)** *Liquefied petroleum gas code adopted by reference.* National Fire Protection Association Liquefied Petroleum Gas Code, NFPA 58 (2014) (2017), is adopted by reference, and installations and reinstallations after April 1, 2016 September 1, 2018, shall comply with it.

ITEM 7. Rescind and reserve rule **875—91.3(89)**.

ITEM 8. Amend rule 875—91.6(89) as follows:

**875—91.6(89) Pipe, valve, and fitting requirements.**

**91.6(1)** Pipes, valves, and fittings subject to the effects of galvanic action shall not be used on objects covered by these rules ~~except where permitted in 875—Chapter 95~~. Dielectric fittings shall be used where dissimilar metals are joined.

**91.6(2) and 91.6(3)** ~~Rescinded IAB 11/18/09, effective 1/1/10.~~

ITEM 9. Amend rule 875—91.18(89) as follows:

**875—91.18(89) National Board registration.** Except for cast iron boilers, and cast aluminum boilers, ~~and objects governed by 875—Chapter 95,~~ all objects shall be registered with the National Board.

ITEM 10. Amend rule 875—91.19(89) as follows:

**875—91.19(89) ASME stamp.** ~~Except for water heaters regulated by 875—Chapter 95,~~ all ~~All~~ objects shall bear the appropriate ASME stamp. Objects shall not be utilized in a manner inconsistent with the stamp.

ITEM 11. Rescind and reserve **875—Chapter 95.**